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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,371	04/12/2004	John Terry Yurek JR.		2829

7590

02/01/2005

John Terry Yurek Jr.
26504 BRYCE Road
Valencia, CA 91254

EXAMINER

KIM, CHRISTOPHER S

ART UNIT	PAPER NUMBER
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3752

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/822,371	Applicant(s) YUREK ET AL.	
	Examiner Christopher S. Kim	Art Unit 3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/26/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Species A in the reply filed on November 26, 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 9 and 10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on November 26, 2004.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zapalac (6,116,524) in view of Carstens (4,863,201).

Zapalac disclose an apparatus having: a showerhead 12; a flexible conduit 64; water supply pipe 22; and couplings 30. Zapalac discloses the limitations of the claimed invention with the exception of the quick connect/disconnect means. Zapalac uses threads to connect the showerhead, water supply pipe and flexible tube. Carstens discloses a quick connect/disconnect 10. It would have been obvious to a person

having ordinary skill in the art at the time of the invention to have incorporated the QD of Carstens to the device of Zapalac to enable quick connect/disconnect.

5. Claims 1, 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zapalac (6,116,524) in view of Williams (2,449,920).

Zapalac disclose an apparatus having: a showerhead 12; a flexible conduit 64; water supply pipe 22; and couplings 30. Zapalac discloses the limitations of the claimed invention with the exception of the quick connect/disconnect means. Zapalac uses threads to connect the showerhead, water supply pipe and flexible tube. Williams discloses a quick connect/disconnect 29. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have incorporated the QD of Williams to the device of Zapalac to enable quick connect/disconnect.

6. Claims 1, 2, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zapalac (6,116,524) in view of Bjerke (5,926,868).

Zapalac disclose an apparatus having: a showerhead 12; a flexible conduit 64; water supply pipe 22; and couplings 30. Zapalac discloses the limitations of the claimed invention with the exception of the quick connect/disconnect means. Zapalac uses threads to connect the showerhead, water supply pipe and flexible tube. Bjerke discloses a quick connect/disconnect and flow regulator 60. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have incorporated the QD of Bjerke to the device of Zapalac to enable quick connect/disconnect and prevent backflow.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zapalac (6,116,524) in view of Carstens (4,863,201) as applied to claim 1 above, and further in view of Benedict (5,967,409).

Zapalac in view of Carstens discloses the limitations of the claimed invention with the exception of the anti scald mechanism. Benedict discloses an anti scald mechanism 10A. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have incorporated the anti scald mechanism of Benedict to the device of Zapalac in view of Carstens to prevent scalding.

8. Claims 1, 2, 5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zapalac (6,116,524) in view of Busch (5,865,343).

Zapalac disclose an apparatus having: a showerhead 12; a flexible conduit 64; water supply pipe 22; and couplings 30. Zapalac discloses the limitations of the claimed invention with the exception of the quick connect/disconnect means. Zapalac uses threads to connect the showerhead, water supply pipe and flexible tube. Busch discloses a quick connect/disconnect 44, a flow regulator 42 and valve 40. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have incorporated the QD, flow regulator and valve of Busch to the device of Zapalac to enable quick connect/disconnect, flow regulation and shutoff.

Request for Disclosure

9. Applicant is required to disclose the manufacturer and/or source of the quick connect/disconnect means, flow regulator, anti scald mechanism, and shut valve used

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in applicant's invention. Is applicant using "off the self" items, or did applicant make (from scratch) such items?

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Kim whose telephone number is (571) 272-4905. The examiner can normally be reached on Monday - Thursday, 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Christopher S. Kim
Primary Examiner
Art Unit 3752

CK